

A RESOLUTION AUTHORIZING THE ACQUISITION OF AN EASEMENT ACROSS PROPERTY OWNED BY TEE CROSS RANCHES LLC AND AN EASEMENT ACROSS PROPERTY OWNED BY TERENCE M. MYERS AND SHARON L. MYERS, TO BE USED FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS

WHEREAS, Colorado Springs Utilities has determined that it requires an easement across certain real property owned by Tee Cross Ranches LLC, and an easement across certain real property owned by Terrence M. Myers and Sharon L. Myers (collectively, the "Property Owners"); and

WHEREAS, the easement across the property owned by Tee Cross Ranches LLC, consists of approximately 9.740 acres of land, the entire portion of which is known as El Paso County Tax Schedule Number 45000-00-125 (the "Tee Cross Property") and has been identified as necessary for installation of drain and fill pipelines needed for the Southern Delivery System Project's ("SDS") Upper Williams Creek Reservoir, also known as the "Gary M. Bostrom Reservoir"; and

WHEREAS, the easement across the property owned by Terrence M. Myers and Sharon L. Myers consists of approximately 0.8419 acres of land located at 4355 Hammer Ranch Road, Colorado Springs, Colorado 80929, and known as El Paso County Tax Schedule Number 45000-00-105 (the "Myers Property") and has been identified as a buffer and possible overflow area for the SDS Upper Williams Creek Reservoir; and

WHEREAS, by City Council Resolution No. 134-13, the City of Colorado Springs, through its enterprise Colorado Springs Utilities, was authorized to negotiate acquisition of the above-described easement across the Myers Property; and

WHEREAS, the easement across the Tee Cross Property is legally described on Exhibit A-1 attached hereto and depicted on Exhibit A-2 attached hereto and the easement across the Myers Property is legally described on Exhibit B-1 attached hereto and depicted on Exhibit B-2 attached hereto; and

WHEREAS, the acquisition of the Property is in the public interest and is necessary for the construction of the Southern Delivery System Project; and

WHEREAS, pursuant to sections 4.1 and 8.6 of *The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests* ("Real Estate Manual"), City Council approval is required for acquisition of real property interests if the purchase price exceeds \$50,000.00, and Council approval has historically been required for all SDS property acquisitions, regardless of the purchase price; and

WHEREAS, the fair market value for the easement across the Tee Cross Property was determined to be \$69,397.50 based on the methodology established in that certain Settlement Agreement entered into July 10, 2013, between Norris Properties, LLC, BJ Ranches, LLC, and the City of Colorado Springs, acting by and through its enterprise Colorado Springs Utilities; and

WHEREAS, the City desires to offer and Tee Cross Ranches LLC desires to accept a purchase price of \$69,397.50 for the easement across the Tee Cross Property; and

WHEREAS, the fair market value for the easement across the Myers Property was determined to be \$1,450 based on a real estate appraisal conducted by an independent real estate appraiser; and

WHEREAS, the City desires to offer and Terrence M. Myers and Sharon L. Myers desire to accept a purchase price of \$3,000, which includes \$1,450 for the easement and an additional \$1,550 as an administrative settlement; and

WHEREAS, Colorado Springs Utilities requests the approval of City Council to purchase the easement across the Tee Cross Property for a purchase price of \$69,397.50 and the easement across the Myers Property for a purchase price of \$3,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. That the City Council finds the acquisition of the Property is in compliance with the City's Real Estate Manual, the City Charter, City Code, and all other applicable laws.

Section 2. That in accord with the Real Estate Manual, the City Council hereby authorizes the acquisition of the easements across the Tee Cross Property and the Myers Property from the Property Owners for the purchase price of \$69,397.50 and \$3,000, respectively, to be used in connection with the Southern Delivery System Project.

Section 3. That the City's Real Estate Services Manager is authorized to execute all documents necessary to complete the acquisition of the Property contemplated herein.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2017.

ATTEST:

Council President

Sarah B. Johnson, City Clerk